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Chief Clerk of the House

FILED MAR 11 2005

H.B. No. 3473

By: _____

Noma Chavez

A BILL TO BE ENTITLED

AN ACT

relating to an exemption from the platting requirement in certain counties near an international border.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 232.023(a), Local Government Code, is amended to read as follows:

(a) Except as provided by Section 232.0235, a [A] subdivider of land must have a plat of the subdivision prepared. A subdivision of a tract under this subsection includes a subdivision of real property by any method of conveyance, including a contract for deed, oral contract, contract of sale, or other type of executory contract, regardless of whether the subdivision is made by using a metes and bounds description.

SECTION 2. Subchapter B, Local Government Code, is amended by adding Section 232.0235 to read as follows:

Sec. 232.0235. EXEMPTION FROM PLATTING REQUIREMENT. (a) In this section, "colonia" has the meaning assigned by Section 775.001, Government Code.

(b) A subdivider of land is not required to have a plat of a subdivision prepared if the subdivider receives a waiver from the attorney general.

(c) The attorney general may grant a waiver only to a nonprofit corporation exempted from federal income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed as an

1 exempt entity under Section 501(c)(3) of that code.

2 (d) A nonprofit corporation is eligible for a waiver if the
3 corporation requests the waiver as part of a demonstrable plan to
4 make improvements to an existing colonia to bring the colonia into
5 compliance with relevant provisions of the Health and Safety Code.

6 SECTION 3. Sections 232.029(a) and (b), Local Government
7 Code, are amended to read as follows:

8 (a) Except as provided by Subsection (c) of this section,
9 Section 232.0235, or Section 232.037(c), a utility may not serve or
10 connect any subdivided land with water or sewer services unless the
11 utility receives a certificate issued by the commissioners court
12 under Section 232.028(a) or receives a determination from the
13 commissioners court under Section 232.028(b)(1) that the plat has
14 been reviewed and approved by the commissioners court.

15 (b) Except as provided by Subsection (c) of this section,
16 Section 232.0235, or Section 232.037(c), a utility may not serve or
17 connect any subdivided land with electricity or gas unless the
18 entity receives a determination from the county commissioners court
19 under Section 232.028(b)(2) that adequate water and sewer services
20 have been installed to service the subdivision.

21 SECTION 4. As soon as practicable after the effective date
22 of this Act, the attorney general of the State of Texas shall
23 develop a procedure by which to grant waivers to subdividers of land
24 in certain counties near an international border, as provided by
25 Section 232.0235, Local Government Code, as added by this Act.

26 SECTION 5. This Act takes effect September 1, 2005.

**HOUSE
COMMITTEE REPORT**
1st Printing

05 APR 27 AM 12:38
HOUSE OF REPRESENTATIVES

By: Chavez

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COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

4/20/05
(date)

Sir:
We, your COMMITTEE ON BORDER AND INTERNATIONAL AFFAIRS
to whom was referred HB 3473 have had the same under consideration and beg to report
back with the recommendation that it

- ☒ do pass, without amendment.
☐ do pass, with amendment(s).
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
☒ yes ☐ no A fiscal note was requested.
☐ yes ☒ no A criminal justice policy impact statement was requested.
☐ yes ☒ no An equalized educational funding impact statement was requested.
☐ yes ☒ no An actuarial analysis was requested.
☐ yes ☒ no A water development policy impact statement was requested.
☐ yes ☒ no A tax equity note was requested.
☒ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Chavez, Chair	<input checked="" type="checkbox"/>			
Griggs, Vice-chair	<input checked="" type="checkbox"/>			
Alonzo	<input checked="" type="checkbox"/>			
Castro				<input checked="" type="checkbox"/>
Merritt	<input checked="" type="checkbox"/>			
Moreno, J.				<input checked="" type="checkbox"/>
Vo	<input checked="" type="checkbox"/>			

Total
5 aye
0 nay
0 present, not voting
2 absent

Norma Chavez
CHAIR

BILL ANALYSIS

H.B. 3473
By: Chavez
Border and International Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

County commissioners courts have authority to regulate subdivisions outside the limits of a municipality and land owners are required to prepare a plat of a subdivision if a tract is divided into two or more parts for certain purposes.

House Bill 3473 allows the attorney general to exempt certain land from the platting requirement for eligible subdividers desiring to make improvements to an existing colonia.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1 Section 232.023(a), Local Government Code, is amended to provide an exemption under Sec. 232.025, Local Government Code, from the platting requirement for a subdivision.

SECTION 2 Adds Section 232.0235, Local Government Code, to create an exemption from the platting requirement for a subdivision.

Provides that a subdivider of land is not required to have a plat of a subdivision prepared if the subdivider receives a waiver from the attorney general. The bill allows the attorney general to grant a waiver only to a Section 501(c)(3) nonprofit corporation exempted from federal income taxation under the Internal Revenue Code of 1986.

A nonprofit corporation is eligible for a waiver if it requests the waiver as part of a demonstrable plan to make improvements to an existing colonia to bring the colonia into compliance with relevant provisions of the Health and Safety Code. "Colonia" has the meaning assigned by Section 775.001, Government Code.

SECTION 3 Amends Sections 232.029(a) and (b), Local Government Code, to include the exemption provided for in Section 232.0235, as added by this Act. The two subsections relate to offering water, sewer, electricity, or gas services in subdivided land without approval from the commissioners court.

SECTION 4 Requires the attorney general to develop, as soon as practicable after the effective date, a procedure by which to grant waivers to subdividers of land in certain counties near an international border, as provided by Section 232.0235, Local Government Code, as added by this Act.

SECTION 5 The Act takes effect September 1, 2005.

EFFECTIVE DATE

September 1, 2005

SUMMARY OF COMMITTEE ACTION

HB 3473

April 13, 2005 8:00AM

Considered in public hearing
Left pending in committee

April 20, 2005 8:00AM

Considered in public hearing
Recommended to be sent to Local & Consent
Reported favorably without amendment(s)

2

WITNESS LIST

HB 3473
HOUSE COMMITTEE REPORT
Border and International Affairs Committee

April 13, 2005 - 8:00AM

Registering, but not testifying:

On: Preiste, David (Office of the Attorney General)

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 11, 2005

TO: Honorable Norma Chavez, Chair, House Committee on Border and International Affairs

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: **HB3473** by Chavez (Relating to an exemption from the platting requirement in certain counties near an international border.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 232 of the Local Government Code to authorize an exemption from the platting requirements of the Subchapter B. The bill would authorize the Attorney General to grant a waiver to a nonprofit corporation exempted from federal income taxation under Section 501(a) of the Internal Revenue Code if the request for a waiver is "part of a demonstrable plan to make improvements to an existing colonia to bring the colonia into compliance with the relevant provisions of the Health and Safety Code." A subdivision receiving such a waiver would be authorized to receive utility connection certificates for water, sewer, electricity, and gas service.

The Act takes effect on September 1, 2005.

The Office of the Attorney General anticipates that it would be called upon to review one or more subdivision plats by 501(c)(3) corporations each year for waivers from the platting requirements of Subchapter B of Chapter 232 of the Local Government Code. The agency anticipates any additional work resulting from the passage of the bill could be reasonably absorbed with current resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: JOB, CL, DLBa

F

HOUSE ENGROSSMENT

By: Chavez

H.B. No. 3473

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LBB Staff: JOB, CL, DLBa

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A BILL TO BE ENTITLED
AN ACT

By

Norm King

relating to an exemption from the platting requirement in certain counties near an international border.

MAR 11 2005

Filed with the Chief Clerk

MAR 23 2005

Read first time and referred to Committee on Border and International Affairs

APR 20 2005

Reported favorably (~~as amended~~)
(~~as substituted~~)

APR 27 2005

Sent to Committee on ~~(S. 1000)~~
(Local & Consent Calendars)

MAY 09 2005

Read second time (~~comm. subst.~~) (~~amended~~); passed to third reading (~~failed~~) by a (non-record vote)
(~~record vote of~~ 144 yeas, 20 nays, 1 present, not voting)

MAY 09 2005

Constitutional rule requiring bills to be read on three several days suspended (~~failed to suspend~~)
by a vote of 144 yeas, 20 nays, 1 present, not voting

MAY 09 2005

Read third time (~~amended~~); finally passed (~~failed to pass~~) by a (non-record vote)
(~~record vote of~~ 144 yeas, 20 nays, 1 present, not voting)

Engrossed

MAY 10 2005

Sent to Senate

Robert Haney
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

MAY 10 2005

Received from the House

MAY 12 2005

Read and referred to Committee on INTERNATIONAL
RELATIONS & TRADE

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(_____ yeas, _____ nays)

Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(_____ yeas, _____ nays)

Senate and Constitutional 3 Day Rules suspended by a vote of _____ yeas, _____ nays

Read third time, _____, and passed by a (viva voce vote)
(_____ yeas, _____ nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)

05 APR 27 AM 12:38
HOUSE OF REPRESENTATIVES